



ANNO VICESIMO SECUNDO & VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. xvii.

An Act to enable the *Worcester and Hereford* Railway Company to make a Branch Railway to the *Severn* at *Worcester*, and to enlarge their Station at *Hereford*; and for other Purposes.

[21st July 1859.]

WHEREAS it is expedient that "The *Worcester and Hereford* Railway Company" (who in this Act are referred to as "the Company,") should have Power to extend their Railway to and along the Eastern Bank of the River *Severn* in the City of *Worcester*, and also that they should be authorized to purchase certain Property in the City of *Hereford*, for the Purposes of Sidings in connexion with their Railway: And whereas Plans and Sections of the proposed Railways, showing the Lines and Levels thereof, and the Lands to be taken for the Purposes thereof, and Plans showing the Property required for the said Sidings, and a Book of Reference to the said Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands and Property, have been deposited with the respective Clerks of the Peace for the City and County of the City of *Worcester* and for the County of *Hereford*: And whereas the Purposes aforesaid cannot be accomplished without the Authority of Parliament: May it therefore

[*Local.*]

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please

Worcester and Hereford Railway Act, 1859.

please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

8 & 9 Vict.
cc.18. and 20.
incorporated.

I. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act.

"The
Railways."

II. In this Act the Expression "the Railways" shall mean the Branch Railways and Works connected therewith by this Act authorized to be made.

Power to
construct
new Works
according to
deposited
Plans.

III. The Company may make and maintain the Railways herein-after particularly described, with all necessary Works, Stations, Approaches, and Conveniences connected therewith, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Power also
to enter on
Lands for
Sidings in
Hereford.

IV. The Company may also enter upon, take, and use such of the Lands in the Parishes of *All Saints* and *Saint Nicholas* in the City of *Hereford* as are shown upon the before-mentioned Plans, and as are described in the said Book of Reference, and as may be required by the Company for the Purposes of Sidings for their Railway.

Description
of Railways.

V. The Railways hereby authorized (and which will be wholly situate in the City of *Worcester*) are :

1. A Branch Railway commencing by a Junction with the *Worcester and Hereford* Railway, near and to the West of the Railway Bridge over *Foregate Street* in the Parish of *Saint Nicholas*, passing across the Cattle Market and *Lower Butts*, and through the Parish of *Saint Clement*, and thence on to the Common called *Pitchcroft*, in the Parish of *Claines*, to or near to the Eastern Bank of the River *Severn* :
2. A Branch Railway commencing from and out of the other Branch Railway near to its Termination, extending thence along the said Eastern Bank, through or into the Parishes of *Claines*, *Saint Clement*, and *Saint Alban's*, and terminating in the last-mentioned Parish, at or near a certain Warehouse belonging to *Josiah Stallard* Esquire, and occupied by Messieurs *Henry Webb* and Company.

As to Works
near the
River
Severn.

VI. In constructing the Railways it shall not be lawful for the Company to obstruct or interfere with the loading and unloading and the Passage

Worcester and Hereford Railway Act, 1859.

Passage of Boats and Vessels navigating the River *Severn*, or with the Passage or the loading or unloading of Carts, Waggons, and Carriages bringing Goods and Merchandise to or carrying Goods and Merchandise from the Quays on the said River further than is absolutely necessary in the Construction of the said Works.

VII. In constructing the Railway through the dry Arch on the Eastern Side of the Bridge of *Worcester* the Company shall leave One Half of the Roadway over the said Arch open for Traffic, and shall erect proper Fences for the Protection of the Public using the Part of the Roadway left open: The Company shall, in constructing their Railway, adhere to the Plan settled between them and the said Trustees, and signed by the Town Clerk, the Clerk of the said Trustees, and the Secretary of the Company, and shall not during the Construction of their Railway, or by means of their Railway, prevent the existing Flight of Steps shown on the said Plan from being conveniently used, or in any way interfere with the Steps otherwise than is shown on the said Plan, unless with the Consent in Writing of the said Trustees.

As to Construction of Railway under Bridge.

VIII. If it shall be found necessary in making the said Railway to remove the Crane now standing on the lower or South Quay, then the said Crane shall be taken down and re-erected at the Costs of the Company, who shall pay the said Bridge Trustees One Pound Sterling for every Day beyond Fourteen Days during which such Crane shall be unavailable for Use.

As to Crane.

IX. In constructing the Railways over the Quay Walls and under the said Arch it shall not be lawful for the Company to deviate from the Centre Line as shown on the said Plan without the written Consent of the Mayor, Aldermen, and Citizens of the City of *Worcester*, and the Trustees of the said Bridge, and the Company shall not deviate from the Level shown on the said Plan without such Consent as aforesaid, excepting that the Company may raise the Quay Wall from the North End thereof as far as the Bottom of *Newport Street* to the Extent of Two Feet.

Company not to deviate.

X. The Company shall make good all Injury that shall be done to the Quay Walls and Streets or the said Bridge and the Approaches thereto, either in making the said Railway, or after the same shall have been made in the working thereof, not arising from the ordinary Use of the said Streets, and shall also make good and keep in Repair for Twelve Months the Roadway and Footpaths over the Eastern End of the Bridge and the Approaches leading to the said Bridge and the said Streets along which the said Railway shall go, so far as the same shall be affected by the making of the said Railway, and shall not during the making of the said Railway impede the Traffic of the said Bridge and the Streets and Roads leading thereto more than is necessary.

Damage to be made good.

XI. The

Worcester and Hereford Railway Act, 1859.

Defining
Works at
Quays.

XI. The Company shall at their own Expense take up the Posts and Chains, and refix the same along the Edge of Quay Walls as shown by a dotted Red Line on the said Plan; and all Works to be done by the Company, so far as the same extend over the Property of the Mayor, Aldermen, and Citizens of *Worcester*, and Bridge Trustees, shall be done to their reasonable Satisfaction; and whenever the said Mayor, Aldermen, and Citizens, and the said Bridge Trustees, shall so require, the said Quays and Streets shall be raised to the Level of the said Railway, so that such Quays shall be on a Level with the said Railway, and the Streets be on a Level at the Point of Junction with the said Railway, so as to admit of a convenient Communication between the same.

Quays not to
be obstructed.

XII. It shall not be lawful for the Company or any other Persons, after the said Railway shall have been completed, to allow Trucks or Carriages to remain so as to obstruct the Traffic on the said Quays, or on or along the Railway between the *Butts Slip* and the Terminus of the said Railway, except for loading or unloading; and if any Trucks or Carriages shall be so left, the said Mayor, Aldermen, and Citizens, and Bridge Trustees, may remove the same, at the Expense of the Company, or of other the Persons to whom the same may belong; and the Company, in making their Line over the said *Butts Slip*, shall leave a Headway to the said River *Severn* of not less than Ten Feet.

Powers for
compulsory
Purchases
limited.

XIII. The Powers of the Company for the compulsory Purchase or Taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for
Completion
of Railways.

XIV. The Railways shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railways
not opened
for Public
Traffic with-
in limited
Period, Pay-
ment of
certain Divi-
dends sus-
pended.

XV. In case the Railways shall not be completed and opened for Public Traffic within the Period of Three Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until the Railways shall have been completed and opened for Public Traffic.

Railways to
form Part of
Company's
Under-
taking.

XVI. The Railways, together with the Works, Stations, Approaches, and Conveniences connected therewith, shall form Part of the Undertaking of the Company, and shall, in the calculating of Tolls and for all other Purposes, be Part of the *Worcester and Hereford Railway*.

XVII. It

Worcester and Hereford Railway Act, 1859.

- XVII. It shall be lawful for the Company to demand and receive for and in respect of the Railways the same Tolls and Charges as they are for the Time being authorized to demand and receive for and in respect of the *Worcester and Hereford* Railway, and as if the Railways hereby authorized to be made had been Part of the said *Worcester and Hereford* Railway. Tolls for Railways.
- XVIII. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Traffic carried upon the Railways shall in no Case exceed the maximum Tolls and Charges for the Time being authorized to be taken upon the *Worcester and Hereford* Railway. Maximum Tolls.
- XIX. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which they are already authorized to raise, and which may not now be required by them for the Purposes of their Undertaking. Company may apply their Funds towards Purposes of Act.
- XX. Whereas the Railways by this Act authorized are to be constructed and maintained under an Arrangement between the Company, the Mayor, Aldermen, and Citizens of the City of *Worcester*, and the *Oxford, Worcester, and Wolverhampton* Railway Company, and in pursuance of the Provisions of the "*Oxford, Worcester, and Wolverhampton* Railway Act, 1858," and in substitution for the Branch Railway to the River *Severn* by that Act authorized to be abandoned: Therefore the said *Oxford, Worcester and Wolverhampton* Railway Company may at all Times hereafter use and pass over, with their Engines and Carriages of every Description adapted for the Narrow Gauge, so much of the *Worcester and Hereford* Railway as will intervene between the Point of Junction of that Railway with the *Oxford, Worcester, and Wolverhampton* Railway, and also the the said Two Branch Railways by this Act authorized, and the Stations, Sidings, Works, and Conveniences connected therewith, upon such Terms and Conditions, and upon Payment of such Tolls, Rates, and Charges in respect thereof, as shall be agreed upon between the Two Companies, or as, in case of Difference, shall be settled by Arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the Settlement of Disputes by Arbitration. Power to Oxford, Worcester, and Wolverhampton Railway Company to use the Railways.
- XXI. And whereas by the Third Section of "*The Worcester and Hereford* Railway Act, 1858," it is, among other things, enacted as follows: "And it shall also be lawful for any of the Parties referred to in "the Seventh Section of 'The Lands Clauses Consolidation Act, 1845,' " to sell and convey to the Company any Lands which the Company are " authorized to purchase for the Purposes of their Undertaking, in consideration of an annual Rentcharge payable by the Company instead Part of Section 3 of 21 & 22 Vict., Cap. cxlii. repealed.

[Local.]

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of

Worcester and Hereford Railway Act, 1859.

“ of a Sum in gross:” Be it enacted, That the several Sections numbered III., IV., V., and VI. of “The *Worcester and Hereford* Railway Act, 1858,” shall be repealed so far as they relate to any of the Parties referred to in the Seventh Section of “The Lands Clauses Consolidation Act, 1845,” excepting the Commissioners of the Town of *Great Malvern*, the Committee of Commoners, the Surveyors of the Highways, and any others Persons interested in any Common Land or Commonable Rights in the Parish of *Great Malvern*.

Deposit for
future Bills
not to be paid
out of Com-
pany's Capi-
tal.

XXII. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

Railways not
exempt from
Provisions
of present
and future
General
Acts.

XXIII. Nothing herein contained shall be deemed or construed to exempt the Railways by this or any other Act relating to the Company authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said Acts, and of the Rates for Small Parcels.

Short Title.
Expenses
of Act.

XXIV. This Act may be cited for all Purposes as “The *Worcester and Hereford* Railway Act, 1859;” and all the Costs, Charges, and Expenses of and incidental to the obtaining of this Act and preparatory thereto shall be paid by the Company.

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